

HOUSE BILL 2550

By Hackworth

AN ACT to amend Tennessee Code Annotated, Title 55,  
Chapter 8, relative to use of cell phones in motor  
vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, is amended by adding  
the following as a new section thereto:

§ 55-8-198.

(a) No driver shall operate a motor vehicle on any road or highway in this state  
while using a hand held mobile telephone while such motor vehicle is in motion. This  
section does not prohibit the use of a mobile telephone that is equipped with a hands  
free device for use while operating a motor vehicle.

(b) For the purposes of this section, unless the context otherwise requires:

(1) "Hands free device" means a device that is designed to allow two-way  
communication via a mobile telephone without the necessity of holding the  
mobile telephone, such as a speakerphone or headset; and

(2) "Mobile telephone" means a cellular, analog, wireless or digital  
telephone.

(c) A violation of this section is a Class C misdemeanor punishable only by a fine  
of fifty dollars (\$50.00).

(d) It is an affirmative defense to prosecution under this section, which must be  
proven by a preponderance of the evidence, that the driver's use of a mobile telephone  
was necessitated by a bona fide emergency.

SECTION 2. This act shall take effect January 1, 2009, the public welfare requiring it.